IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

CRP.No. 875 of 2007()

AGAINST THE ORDER DATED 26/09/2007 IN EA 312/07 IN EP 13/04. IN OS.31/1995 of SUB COURT, QUILANDY

.....

REVN. PETITIONER: PETITIONER/RESPONDENT:

PUNIYASSERY GOPALAKRISHNA KURUP,
IRINGATH AMSOM, DESOM, KOYILANDY TALUK.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS: RESPONDENTS/PETITIONERS:

MANGALASSERY ANTONY (DIED),
MARUTHANKARA AMSOM, DESOM, VADAKARA TALUK.

1.MOSI ANTO,
MARUTHANKARA AMSOM, DESOM, VADAKARA TALUK.

2. SANTOSH ANTO,
MARUTHANKARA AMSOM, DESOM, VADAKARA TALUK.

3. SEMILY ANTO,
MARUTHANKARA AMSOM, DESOM, VADAKARA TALUK.

4. SEMAYIL ANTO,
MARUTHANKARA AMSOM, DESOM, VADAKARA TALUK.

5. SUNTIL ANTO,
MARUTHANKARA AMSOM, DESOM, VADAKARA TALUK.

6. SWAPNA ANTO,
MARUTHANKARA AMSOM, DESOM, VADAKARA TALUK.

7. SMITHA AUGUSTINE,
ALKHALHA STREET, MANAMA, BAHRAIN.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

==========

C.R.P.No.875 of 2007

==========

Dated this the 4th day of October, 2007.

ORDER

This revision is preferred against the order of the Subordinate Judge's Court, Koyilandy in E.A.No.312 of 2007 in E.P.No.13 of 2004 in O.S.No.31 of 1995. It was an application filed for stay of the execution of the decree in the suit. The plaintiff had obtained an ex parte decree for specific performance of a contract and the defendants with a petition to condone the delay moved an application for setting aside the ex parte decree and while those applications were pending the complaint is that steps were not taken properly which resulted in the dismissal of those applications. Thereafter, the revision petitioner has moved an application for restoration of those interim applications. It is at that stage, he also moved an application before the Executing Court to stay the execution of the decree.

2. Learned counsel would submit that undue hardship will be caused if the execution is done without the disposal of the

other applications. It is true that there are laches. Whatever it may be, it is always desirable that a party is heard before he is condemned. Therefore, in order to enable the petitioner to move for appropriate relief, I direct the court below to defer the execution for a period of two months and meanwhile I also direct the very same court where the other applications are pending on the original side to dispose of them as expeditiously as possible, within a time frame of six weeks.

Civil Revision Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

ess 4/10